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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/756,985

01/13/2004

Ralph Wessel

3711

7590

05/18/2006

RALPH WESSEL  
3166 SHEARER AVE  
CAYUCOS, CA 93430

EXAMINER

TRINH, MINH N

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

## Office Action Summary

Application No.

10/756,985

Applicant(s)

WESSEL, RALPH

Examiner

Minh Trinh

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/13/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n). Note that it is not known whether claims 2-3 are depending on claim 1. Please clarify.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) the preamble of claim 1 is not clear in that it is suggested the use of: --"A tool for removing light bulbs from the bases comprising:"--, etc should be replace "We claim this special design of tool . . . their base."

b) what is being referring as "it" in line 3 and 5 of claim 1?,

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c) "the plastic shoulder"(claim 1, line 5); "the plastic shoulder of the bulb and the top base"(claim 1, line 5) appear to be lack proper antecedent basis. Also, the claims directed to a tool but not the outside structural such as Christmas light bulb through.

d) scope of the claims is unclear because it is directed to both tool and its associated subcombination such as light bulb. In formulating of this rejection on the merits, the examiner is considering that the claims are drawn to the tool for removing light bulb and the claims will be rejected accordingly. If applicant indicated by amendment that the combination is the intention, the language in the preamble should be made consistent with the language in the body of the claims.

e) What being claimed as "that its shape, small form," (claim 2, line 1). Further, it is not clear whether claim 2 depend on claim 1 or 3?

f) claim 3, it is not known as to what exactly shape of the tool body applicant is wished to claim for patentability, the claim recites U, circular, oblong and rectangular, etc in claim 3, lines 1-2, which is unclear in scope and confusing. It is also noted there are many parts that made up the tool such as grappling portions as body, jaws, etc however, applicant fails to claim all the features that make up his tool. Further, it is not clear whether claim 3 depend on claim 2 or 1?

Claims 2-3 are missing their preamble, i.e., --"The tool as recited in claim 1 further comprising:--", etc.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 as best understood are rejected under 35 U.S.C. 102(b) as being by Voss (5,044,058).

Voss discloses a tool as claimed by the present application i.e., the tool 10 being U shaped and having notch or opening 40 for removing of pressure fitted light bulb (see related embodiment of Figs. 1-3).

Limitations of claims 2-3 are also met by the Voss reference (see configurations as represented in Figs. 1-3 where the tool being small for removing of small type light bulb and being U shaped).

5. Claims 1-3 as best understood are rejected under 35 U.S.C. 102(b) as being by Osmar (5,979,960).

Osmar discloses a tool being U shaped and having notch 22 (see Fig. 1). It is noted that since the claims directed to a tool and Osmar's tool does show every structural elements of the tool therefore it is capable for removing pressure light bulb from the base by using the notch between the shoulder of the bulb and the base, etc.

### ***Conclusion***

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited for their teachings of light bulb removal and insertion tool or the like.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mt  
5/8/06



**MINH TRINH**  
**PRIMARY EXAMINER**